CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	Ιп	Force	$\overline{\Box}$	Discourt.	□ U.S.
Mac Muir		Squad #6	201908620	_	Abuse		O.L.	☐ Injury
Wac Wull		Squau #0	201908020		Abuse	Ш	O.L.	
Incident Date(s)		Location of Incident:	•	F	Precinct:	18	Mo. SOL	EO SOL
Sunday, 06/30/2019 8:00 PM		170-14 130th Avenue			113	12	2/30/2020	8/16/2021
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CCI	RB
Mon, 09/30/2019 3:57 PM		CCRB	On-line website		Mon, 09/3	0/201	19 3:57 PM	I
Complainant/Victim	Туре	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. SGT Bryan Cullen	02427	945363	113 PCT					
2. POM Daniel Leboff	1520	958803	113 PCT					
3. POM Christophe Sanabria	13856	958048	113 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Nicholas Dasilva	10050	966015	113 PCT					
2. SGT Justin Dambinskas	3439	943130	113 PCT					
3. POM Joel Diaz	25278	946466	113 PCT					
Officer(s)	Allegatio	on			Inve	stiga	ator Recon	nmendation
A.SGT Bryan Cullen	Abuse: Sergeant Bryan Cullen threatened to seize s property.							
B.POM Daniel Leboff	Abuse: Police Officer Daniel Leboff threatened to seize \$87(2)							
C.POM Daniel Leboff		property.	ooff saarahad § 87(2)(b)		_ =			
D.POM Daniel Leboff		Abuse: Police Officer Daniel Leboff searched \$87(2)(b) Abuse: Police Officer Daniel Leboff searched the vehicle in						
D.I OWI Daniel Leven	which § 8			11010				
§ 87(2)(g), § 87(4-b)								

Case Summary

On September 30, 2019, \$87(2)(b) submitted this complaint via the CCRB website.

At approximately 8:00 p.m. on June 30, 2019, § 87(2)(b) parked his vehicle in front of 170-14
130th Avenue in Queens. The vehicle had dark tinted windows and was parked in a loading zone for
building residents only. Sgt. Bryan Cullen, PO Christopher Sanabria, PO Daniel Leboff, and PO
Joel Diaz, of the 113 th Precinct, approached \$87(2)(b) s vehicle. \$87(2)(b) identified himself as
the vehicle owner. Though he provided his driver's license, he refused Sgt. Cullen's request for his
registration and insurance card. In response, Sgt. Cullen and PO Leboff both stated that they would
tow § 87(2)(b) s vehicle (Allegations A and B: Abuses of Authority: § 87(2)(g)
agreed to provide his registration and insurance. When he opened his car door, PO Leboff asked
how much marijuana was in the vehicle and if there was anything illegal in the vehicle. §87(2)(b)
denied having marijuana and said that he would call his attorney. PO Leboff stated that they would
tow \$87(2)(b) s vehicle (within Allegation B). PO Leboff reached into \$87(2)(b) s pocket and
removed his car keys (Allegation C: Abuse of Authority: \$87(2)(9) PO Leboff opened
the trunk of \$87(2)(b) s vehicle where there were fireworks (Allegation D: Abuse of Authority:
was arrested for unlawful sale of fireworks, unlawful possession of
fireworks, and having an unlawfully tinted windshield (BR 01). \$87(2)(a) 160.50, \$87(2)(g), \$87(2)(g)
(BR 02). § 87(2)(g). § 87(4-b)

It was confirmed that PO Leboff received a CD under IAB Log number 2019-37857(case number og-2019-17775) for his lost memo book. As such, no OMN allegation was noted.

The investigation obtained BWC footage (BR 03 - 08) and cell phone footage (BR 09). An attorney was consulted for this case.

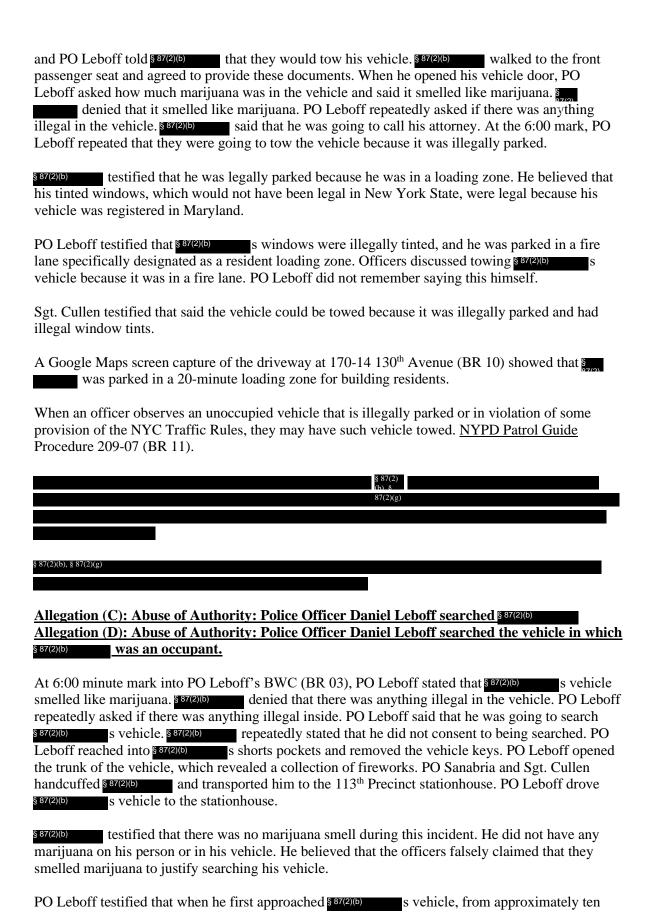
Findings and Recommendations

Allegation (A): Abuse of Authority: Sergeant Bryan Cullen threatened to seize series vehicle.

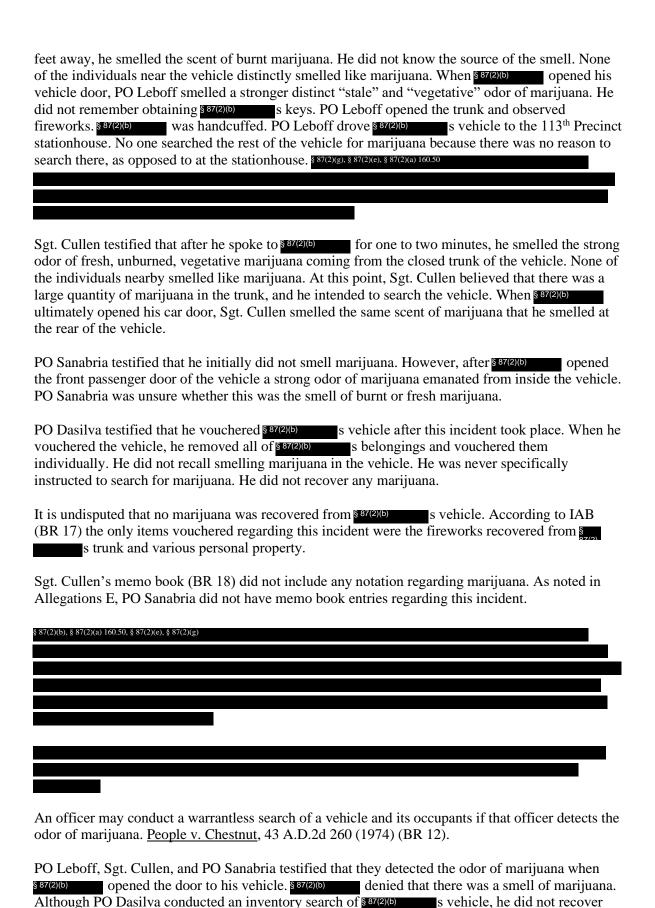
Allegation (B): Abuse of Authority –Police Officer Daniel Leboff threatened to seize \$87(2) s vehicle.

It is undisputed that on June 30, 2019, at approximately 8:00 p.m., \$57(2)(5) was parked in a loading zone in front of 170-14 130th Avenue in Queens. There were dark tints on all his vehicle windows. He was parked in a loading zone for building residents. \$57(2)(5) was not a resident of this building. Sgt. Cullen, PO Leboff, PO Sanabria, and PO Diaz approached \$57(2)(5) who acknowledged that he was the vehicle owner and was in possession of the keys. When Sgt. Cullen requested his vehicle registration and insurance card, \$57(2)(5) refused to provide them. Both Sgt. Cullen and PO Leboff told \$57(2)(5) that they would tow their vehicle. \$57(2)(5) walked to the front passenger seat of his vehicle and retrieved his vehicle registration and insurance. PO Leboff asked how much marijuana was in the vehicle. \$57(2)(5) told PO Leboff that he lied about smelling marijuana. PO Leboff repeatedly asked if there was anything illegal in the vehicle. \$57(2)(5) said that he was going to call his attorney. PO Leboff said that the officers would tow \$57(2)(5) s vehicle because it was illegally parked.

At 49 seconds into PO Leboff's BWC (BR 03), PO Leboff and PO Sanabria exited their vehicle and approached a vehicle with dark black window tints on all its windows. Behind the vehicle were four black males, one of whom was \$87(2)(b) identified himself as the vehicle owner and confirmed that he had the keys. He provided his driver license to Sgt. Cullen. At the 4:55 mark, \$250 declined to provide his insurance card and vehicle registration to Sgt. Cullen. Sgt. Cullen



CCRB Case # 201908620



CCRB Case # 201908620

marijuana. Officers are permitted to search a vehicle when they detect the odor of marijuana as per People v. Chestnut. §87(2)(9). §87(2)(9)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(g), § 87(4-b)
- (2/(g), § 6/(4-0)
Civilian and Officer CCRB Histories
 This is the first CCRB complaint to which \$87(2)(b) has been a party (BR 13). Sgt. Cullen has been a member-of-service for 12 years and has been a subject of 21 allegations in eleven cases, one of which was substantiated.
 Case #2013029277 involved a substantiated allegation of refusal to provide
name/shield number. The Board recommended that he receive instructions. The NYPD did not impose any penalty.
 PO Leboff has been a member-of-service for five years and has been a subject of 14 allegations in four cases, none of which were substantiated.
Mediation, Civil and Criminal Histories
This case was not eligible for mediation.
§ 87(2)(b)
 As of June 29, 2020, the NYC Office of the Comptroller has no record of a Notice of Claim

CCRB Case # 201908620

being filed regarding this complaint (BR 15).

Squad 6			
Investigator:	e/Mac Muir Signature	Supervising Investigator Mac Print Title & Name	Muir <u>09/08/20</u> Date
Squad Leader:	Jessica Peña Signature	IM Jessica Peña Print Title & Name	9/14/2020 Date
Reviewer:	Signature	Print Title & Name	